



March 16, 1999

Ms. Elaine S. Hengen  
Assistant City Attorney  
City of El Paso  
2 Civic Center Plaza  
El Paso, Texas 79901-1196

OR99-0733

Dear Ms. Hengen:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 122737.

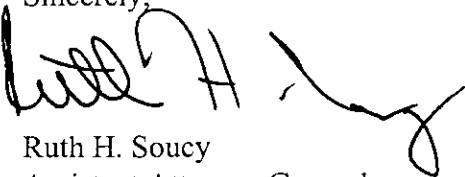
The El Paso Police Department (the "department") received a request for the department's "policy and procedure for general checkpoints begun in November 1998" and also "[t]he number of people who have been ticketed broken down by their state of licensure." We note initially that you indicate the department does not have information showing ticketed individuals broken down by which state the individuals are licensed in. We note that the department has an obligation to make a good faith effort to locate requested records. Open Records Decision No. 561 at 8 (1990). Thus, if the requested information exists, it is subject to required public disclosure. However, the department is not obligated to provide information which is not in its possession or to compile new information. Open Records Decision Nos. 561 at 9 (1990) (city does not have to obtain new information); 483 at 2 (1987); 452 at 3 (1986) (open records request applies to information in existence when request is received); 362 at 2 (1983) (city does not have to supply information which does not exist).

You submitted to this office the requested policy information, marked to show the portions that the department contends are excepted from disclosure on the basis of section 552.108 of the Government Code. Section 552.108(b)(1) protects a law enforcement agency's internal records if the records are maintained for internal use in matters relating to law enforcement or prosecution, when release of those internal records would interfere with law

enforcement or prosecution. You submitted information to this office showing how release of the marked provisions of the policy would interfere with the department's law enforcement efforts. We agree that the marked portions of the policy may be withheld from disclosure under section 552.108(b)(1). The remaining portions must be released to the requestor.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ruth H. Soucy', with a stylized flourish at the end.

Ruth H. Soucy  
Assistant Attorney General  
Open Records Division

RHS/ch

Ref: ID# 122737

Enclosures: Submitted documents

cc: Ms. Laura Smitherman  
El Paso Times  
P.O. Box 20  
El Paso, Texas 79999  
(w/o enclosures)